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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
LANSING



ISMAEL AHMED
DIRECTOR

March 26, 2008

The Honorable Bill Hardiman, Chair
Senate Appropriations Subcommittee on DHS
Michigan State Senate
Lansing, Michigan 48933

The Honorable Dudley Spade, Chair
House Appropriations Subcommittee on DHS
Michigan House of Representatives
Lansing, Michigan 48933

Dear Senator Hardiman and Representative Spade:

Section 271(1) of 2007 Public Act No. 131 (Enrolled Senate Bill 232) requires the Department of Human Services to report on the progress of child and family services reviews. Our report is attached.

If you have any questions about the attached material, please contact John Sorbet, chief administrative officer, at 373-7787.

Sincerely,

Ismael Ahmed

Attachments

C: Senate and House Appropriations Subcommittee on DHS
Senate and House Standing Committees on Human Services
Senate and House Fiscal and Policy Offices
State Budget Office

Child and Family Services Review
Fiscal Year 2007
Boilerplate Report – Sections 271-1 and 271-2

Sec. 271. (1) The department shall report to the senate and house appropriations subcommittees on the department budget, the senate and house standing committees on human services, the senate and house fiscal agencies, the senate and house policy offices, and the state budget director on the progress of child and family services reviews (CFSR). The reviews, conducted in the state by the children's bureau of the United States department of health and human services, are intended to assess the department's compliance with the adoption and safe families act of 1997, Public Law 105-89, 111 Stat. 2115, with the ultimate goal of improving the state child welfare system and the safety, permanency, and child and family service outcomes to children and families. The report shall be submitted January 1 and July 1.

(2) The report required under subsection (1) shall include the findings and progress of all of the following:

(a) Changes made by the courts with respect to court forms and court rules to meet the statutory requirement.

No changes have been made by the court with respect to court forms and court rules since the prior report.

(b) Department policy changes within the areas of foster care, juvenile justice, and adoption to meet the statutory requirements.

The following changes have been made to the Children's Protective Services (CPS) Manual of the Child and Family Services manual group:

- Face-to-face contact with the parent, other person(s) responsible or alleged perpetrator can no longer be used to meet the face-to-face contact standard of promptness. Therefore, the following changes have been made to the face-to-face contact standard:
 - o Face-to-face contact standards are modified to require CPS workers to make face-to-face contact with the alleged child victim(s) based on the priority response criteria.
 - o Face-to-face contact with the parents, person(s) responsible and the alleged perpetrator must also occur during the investigation.
- A hotline (1-877-277-2585) has been established for mandated reporters to express any concern they may have about the actions taken on a specific report of child abuse or neglect they have made. Following their initial call to CPS, a referral source

notification letter will automatically provide the mandated reporter with the hotline information.

- The following were added in policy to the list of mandated reporters of CPS complaints: licensed master's social worker, licensed bachelor's social worker, registered social service technician, social service technician. In addition, a social worker does not have to be certified to be a mandated reporter.
- Policy has been updated to require that when a complaint is received from a mandated reporter, the assigned CPS worker must make contact with the reporter for additional information or for clarification/verification of information received.
- New policy was added clearly requiring that CPS workers observe the scene (at the home or a location other than the home) where the alleged abuse/neglect occurred, as well as any objects alleged to have been involved. When the abuse occurred outside the home environment they must conduct a scene investigation wherever the alleged abuse/neglect occurred.
- Policy has clarified that if one part of a child's disclosure is weak, false, or unsupportable, this does not make the rest of the disclosure untrue. Every effort must be made to accomplish the forensic interview in one session; however, an additional interview may be necessary to clarify or reconcile statements made during the child's previous disclosure.
- The denial or alternative explanation of an alleged abuse/neglect event by a person responsible is to be weighed in light of all evidence and/or information gathered, including consideration of:
 - o Child's credibility
 - o Child's motive
 - o Any evidence the child was coached
 - o Whether the child provides several explanations of how the incident occurred
 - o Any evidence or time lines that made it impossible for the abuse/neglect to have occurred
 - o Whether the child's version of events is inconsistent with other witness accounts
- Mandatory petition policy has been revised to include methamphetamine exposure and/or production.
- Required coordination with law enforcement policy has been revised to include cases of methamphetamine exposure and/or production.
- Medical examination is now required by policy when a child is exposed to methamphetamine production.
- Multiple definitions were updated in policy for clarification.
- Changes and clarifications were made to policy specifying reporting requirements for all DHS employees who are mandated by law to report suspected child abuse and/or neglect.

- The definition of *severe physical injury* was modified in policy in order to properly direct required referral to law enforcement and the prosecuting attorney, as well as for mandated petitions.
- New policy clarifies that any field contacts made during the preliminary investigation stage now require that the complaint be assigned for a field investigation.
- The following step, and exception, for “county where a child is found” (when this is different than the county of residence) was added:
 - o The county where the child is found must provide written documentation of all investigative activities they perform and findings they make to the county of residence as soon as possible.
 - o If the child attends school in an adjacent county, the county of residence should handle the complaint.
- A requirement to complete a central registry clearance at intake was added.
- Policy was added pursuant to obtaining a thorough family history, including previous addresses and Native American heritage.
- Policy was added pertaining to the conditions under which CPS workers can enter homes and interview children at private schools.
- A change was made to the medical examination section of policy effective March 1, 2007. Required medical exams for children with particular conditions applying (such as the child is fearful of caretakers or the child appears to be malnourished or ill) was changed from applying to children under age five to children under age six. The Investigation Summary template has also been updated to reflect this change. Additionally, mandatory second opinions in specified circumstances for children under age five was changed to under age six.
- Policy outlining proper evaluation and handling of “threatened harm” to a child was added.
- Policy was added to prohibit interviewing an alleged victim of domestic violence in front of the alleged perpetrator of domestic violence or while the alleged perpetrator is in the home, as this could place the victim, the child, and the CPS worker in danger.
- Policy on accommodation for limited or non-English speaking clients was added.
- Policy addressing “Children Without Proper Custody or Guardianship” was added.
- Policy was added elaborating on supervisory approval requirements for worker reports.
- Policy was clarified to include that if there is a preponderance finding of child abuse or neglect and the perpetrator is a licensed foster parent, licensed child care provider or a non-parent adult who lives outside the child’s home, the perpetrator must be identified on central registry even if the case is a Category III.

- An exception was built into policy allowing an extension of the 90-day monitoring period for Category III cases.
- Policy requiring that face-to-face contacts be in the home for ongoing cases was added.
- Policy enhancing what information must be included in the progress report section of the Updated Services Plan was added.
- Policy was added to indicate the need for a mandatory petition to the court when there is a violation of Section 8a(1)(b),(c),(d) or (f) of the Michigan Penal Code. An exception was added to policy regarding the mandatory filing of petitions under Section 17 of Child Protection Law when the non-offending parent has no history of abuse/neglect and the child is safe in their care.
- Policy was added regarding providing proper notice to the court of changes in case circumstances and of new information that may be found after a petition has been filed.
- CPS policy on AWOLP children was added to align with procedures as performed by foster care staff.
- Policy was added requiring that if a CPS complaint or investigation indicates that abuse/neglect is alleged or was committed by a child care provider, CPS must notify the Office of Child and Adult Licensing (OCAL) within 24 hours. Any written reports or documentation must also be provided to OCAL.
- Policy was changed to require that all preponderance of evidence complaints of drug or alcohol exposed infants must be confirmed as Physical Abuse rather than failure to protect. A note was added to policy to prompt considering when a petition may be required under Section 17 of the CPL.
- Policy was added on how to handle complaints involving licensed foster homes, now requiring second-line manager approval of any referrals rejected for investigation, and referral to another county for investigation if there is an established relationship with the foster parents.
- Policy on releasing information documenting substance abuse was added to clarify compliance with Federal law.
- Additions were made in policy covering the release of CPS information, as per changes in the Child Protection Law.
- Law Enforcement Information Network policy was updated and clarified as per the CJIS Policy Counsel Act.
- Policy was added to stipulate that children may not be placed in the home of a relative or unrelated caregiver if a juvenile adjudicated as a sex offender resides within the home.

The following changes have been made to the Adoption Services Manual of the Child and Family Services Manual group:

- The terms adoptive parent(s) and legal guardian(s) have been added to indicate who may request an extension of an adoption subsidy case.
- Language has been added to reflect the specific documentation needed when requesting an extension of an adoption subsidy case beyond the age of eighteen when a child is being home schooled.
- The contact information for home school registration in the State of Michigan per the Department of Education has been updated.
- Adoption Subsidy Program forms have been revised and released. Forms must be completed by computer or typewriter. Previous editions are now obsolete.

The following changes have been made to the Children's Foster Care Manual of the Child and Family Services manual group:

- The web site link for online State statutes has been corrected to: www.legislature.mi.gov. Public Acts 475 and 476 under State laws are added.
- Further specifications have been added for the narrative requirements under the Relative/Unrelated Caregiver/Guardian Home Study Outline.
- Clarification has been added for independent living preparation and placement. Independent living policy and independent living agreement policy have been moved to this manual section.
- Policy has been added to include State requirements for both the Department and private child placing agencies surrounding cooperation with Foster Care Review Boards.
- The required contents of foster care case files has been updated and clarified.
- New and revised policy has been added for foster care workers surrounding:
 - o Information that is to be obtained by the worker during visits with the child.
 - o Required face-to-face contact with the secondary caregiver every quarter.
 - o Required monthly contacts with all treatment and service providers involved in a child's care.
 - o Documentation in the service plan narrative of all of the treatment/service providers' observations and opinions.
- Revision and clarification of Criminal Record Checks (LEIN policy). Specific requirements for documentation of verified information have been clarified.
- The Foster Care Initial Service Plan, Updated Service Plan, and the Permanent Ward Service Plan have been reorganized and updated.
- A definition of psychotropic medications has been added to policy, as well as clarification of medical consent authorization.
- Policy regarding Youth-In-Transition (YIT) and permanency planning has been clarified.

- Policy has been clarified and enhanced pertaining to serving older foster care youth up to the age of 20, including strengthening practice surrounding permanency planning for this population
- A Child's Social Security number verification is now required to be in the case file, and policy clarifies that active efforts must be made by the worker in assisting youth in obtaining their Social Security card at discharge from care.
- There has been clarification of the process for determining unemployment as a deprivation factor in Title IV-E.
- To clarify the assessment process for foster home licensure, new provisions have been added to the criteria required in the narrative summary of the foster family home study including:
 - o The applicant is required to provide identifying information and addresses for the last five (5) years.
 - o The assessment of substance abuse history has been expanded to include an assessment of subsequent and ongoing substance abuse treatment.
 - o The assessment of the physical health of each member of the household has been expanded to require an assessment of the ability to care for a child if the applicant or another adult household member has been determined to be disabled or has received disability payments.
- Policy has been added regarding central registry checks that must be completed when an applicant has lived in another state at any time during the preceding five years.
- Policy addressing warranted and/or required referrals to other units within DHS has been expanded to create an objective process for investigating CPS and licensing complaints against foster homes.
- Youth In Transition (YIT) eligibility requirements and procedures have been revised and clarified. The list of forms required to be completed and sent to YIT Program Office has been updated. Policy has been clarified regarding forms that must be attached to YIT contract reports.

(c) Recommendations made by a workgroup composed of department and other agency stakeholders.

Recommendations made by the CFSR workgroup were implemented. DHS is in the process of convening new workgroups in preparation for the Fiscal Year 2009 federal Child and Family Services Review that will occur in Michigan. A final date for the Child and Family Services Review on-site review has not yet been determined. Michigan is in the preparation stages for the statewide self assessment, a critical component in the CFSR.

(d) A summary of the 7 systemic factors that determine the state's compliance with the adoption and safe families' act of 1997, Public Law 105-89, 111 Stat. 2515.

The seven systemic factors that determine that determine the state's compliance with the Adoption and Safe Families Act of 1997 are:

1. *Statewide Information System* that allows us to manage child and family cases and report on the performance outcome data.
2. *Case Review System* which is the Court review and authorization of child welfare cases.
3. *Quality Assurance System* that reviews case work and recommends improvements in child welfare.
4. *Staff Training* program that ensures child welfare staff and supervisors are prepared to do their job effectively.
5. *Service Array* which provides for the breadth of services available to children and families in order to meet the needs they have.
6. *Agency Responsiveness to the Community* which examines the capacity of DHS and the community to partner effectively with stakeholders in the communities where families live.
7. *Foster and Adoptive Parent Recruitment, Licensing and Retention*: strategies to ensure that there is an adequate number of foster and adoptive homes available to meet the needs of the children.

(e) A summary of the 7 data outcome indicators used to determine the state's compliance with the adoption and safe families act of 1997, Public Law 105-89, 111 Stat. 2115, including the length of time required to achieve family reunification for foster care cases.

The seven data outcome indicators used to determine the State's compliance with the Adoption and Safe Families Act of 1997 are:

1. *Children are, first and foremost, protected from abuse and neglect*
2. *Children are safely maintained in their own homes whenever possible and appropriate*
3. *Children have permanency and stability in their living situations*
4. *The continuity of family relationships and connections is preserved for children*
5. *Families have enhanced capacity to provide for their children's needs*
6. *Children receive appropriate services to meet their educational needs*
7. *Children receive adequate services to meet their physical and mental health needs*

The length of time required to achieve family reunification for foster care cases is measured as follows in the CFSR process: *Of children exiting foster care to reunification, what is the median number of months in foster care?*

Michigan's median length of stay was 13.9 months as of March 2007. The national median length of stay is 6.5 months.

(f) Federal recommendations made to the state, including recommendations to the courts.

There have been no new Federal recommendations made to the State or courts since our last report to the Legislature in 2007. Prior Federal recommendations were implemented as part of Michigan's 2004-2006 Program Improvement Plan (PIP).

(g) Federal penalties assessed against the state for noncompliance.

There has been no determination at this time of Federal penalties that Michigan will be required to pay. Michigan is awaiting notification from the Federal Department of Health and Human Services regarding the closure and results of the 2004-2006 Program Improvement Plan.

(h) Status of the performance improvement plan submitted to the federal government.

The Program Improvement Plan was completed in May, 2006. Michigan does not yet have results as to whether the Federal Department of Health and Human Services considers Michigan's performance on the PIP to have met all applicable standards.